

PROB 12C  
(7/93)

Report Date: February 9, 2010

## United States District Court

for the

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Eastern District of Washington

FEB 09 2010

JAMES R. LARSEN, CLERK  
DEPUTY  
POKANE, WASHINGTON**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Robert Ibarra

Case Number: 2:06CR00122-001

Address of Offender: Spokane Valley, WA 99206

Name of Sentencing Judicial Officer: The Honorable Robert H. Whaley, Senior U.S. District Judge

Date of Original Sentence: 11/1/2007

Original Offense: Felon in Possession of a Firearm, 18 U.S.C. § 922(g)(1) and 924

Original Sentence: Prison - 366 Days; TSR - 36 Months Type of Supervision: Supervised Release

Asst. U.S. Attorney: Aine Ahmed

Date Supervision Commenced: 9/5/2008

Defense Attorney: Federal Defenders

Date Supervision Expires: 9/4/2011

**PETITIONING THE COURT****To issue a summons.**

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number    Nature of Noncompliance

1

**Special Condition #18:** You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

**Supporting Evidence:** Robert Ibarra violated conditions of his supervised release by failing to appear for urinalysis testing on December 21, 2009. Consequently, Mr. Ibarra was ordered to appear in the U.S. Probation Office in Spokane, Washington. On December 22, 2009, Mr. Ibarra provided a urine specimen which was presumptive positive for cocaine metabolites. On January 5, 2010, laboratory results reflected a diluted sample relative to the specimen validity status. Although the sample returned negative for cocaine metabolites, the referenced sample showed abnormal readings for specific gravity. It is the undersigned's opinion the offender consumed a substance in order to mask illicit drug use.

2

**Special Condition #17:** You shall undergo a substance abuse evaluation and, if indicated, enter into and successfully complete an approved substance abuse treatment program, including aftercare. You shall contribute to the cost of treatment according to your ability. You shall allow full reciprocal disclosure between the supervising probation officer and treatment provider.

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**Supporting Evidence:** On January 27, 2010, Robert Ibarra was directed to depart a substance abuse treatment class as he failed to bring the necessary material for the session, as directed. Also, on February 3, 2010, Mr. Ibarra was again dismissed from class for failing to be prepared for the upcoming lesson. Following both instances, the offender was verbally reprimanded by the undersigned officer.

3      **Special Condition #18:** You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

**Supporting Evidence:** Robert Ibarra violated conditions of his supervised release on or about February 3, 2010. On this date, Mr. Ibarra was summoned to the U.S. Probation Office in Spokane, Washington, for urine testing. The sample was tested and returned a presumptive positive reading for methamphetamine. The offender signed an Admission of Drug Use form and verbally acknowledged use of methamphetamine on or about February 1, 2010.

4      **Supporting Evidence:** Mr. Ibarra violated conditions of his supervised release on or about February 4, 2010, by submitting a urine specimen that showed presumptive positive for methamphetamine.

The U.S. Probation Office respectfully recommends the Court issue a summons requiring the defendant to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 02/09/2010

s/Tommy Rosser

Tommy Rosser  
U.S. Probation Officer

#### THE COURT ORDERS

- No Action
- The Issuance of a Warrant
- The Issuance of a Summons
- Other



Signature of Judicial Officer

2/9/10

Date